

REMARKS

The December 17, 2007 Office Action regarding the above-identified application has been carefully considered, and the amendments above together with the remarks that follow are presented in a bona fide effort to respond thereto and address all issues raised in that Action.

Applicants note with appreciation that the Examiner indicated that all of the claims would be allowable over the art. The Examiner only entered a series of objections to the grammar of some claims and rejected claims 6 and 8-16 as indefinite. The objections and indefiniteness rejection are addressed below. It is respectfully submitted that this application is in condition for allowance.

In response to the objection to the specification, Applicants have made the three changes suggested by the Examiner. Hence, the objection to the specification should be withdrawn.

In item #2, the detailed Action objected to the claims and provided a list of points the Examiner felt should be changed, in claims 1, 3-6, 8, 14 and 15. By the amendments above, the suggested changes have been made to each of claims 1, 3-6, 14 and 15.

With regard to claims 8 and 11, however, it is respectfully submitted that the change proposed in the rejection is inappropriate. The objection suggested changing “a signal” to “the signal,” in line 11 of claim 8 and again in line 14 of claim 14. However, in the respective contexts, “a signal” is correct. In each of these claims, the phrase the objection identified as objectionable appears in a paragraph reciting a “processing” step. Apparently the concern arose because an earlier paragraph reciting a “receiving” step also specifies a signal. However, in each of these independent claims, the “receiving” paragraph refers to “a signal received **at** the base station.” In each case, the later “processing” paragraph refers to “a signal received **from** the base station.” These are not the same signals, so taken in context, “a signal ...” is appropriate in both paragraphs, in each of claims 8 and 11.

The changes made to address the objections are non-substantive and non-narrowing. In view of the amendments and/or for the reasons outlined above, the objections to the claims should be overcome.

The Action also included a rejection of claims 6 and 8-16 as indefinite.

The rejection alleged that the recitation in claim 6 of a receiving step was confusing, in that it related to a signal received from the base station in a receiver of one of the mobile stations. The paragraph in question has been amended to make clear that the receiving step is performed by a receiver of one of the mobile stations. Processing of this signal in the mobile facilitates completion of an initial power estimate which the mobile station transmitter is to use in sending the signal signifying that station's first attempt to utilize the random access channel. The paragraph also specifies what signal the mobile station receiver is receiving, that is to say, a spread spectrum signal broadcast from the base station. As such, the claim specifies that a broadcast signal from the base station is received by the receiver of one of the mobile stations. It is respectfully submitted that this amended claim language is adequately definite.

The indefiniteness rejection also alleged that the phrases "the first access attempt," "the composite power control command," "the random access channel," and "the mobile station" lacked antecedent basis, as used in claims 8, 10, 11, 15 and 16. In claim 8, the "first access attempt" has been changed to "the first attempt," which finds antecedent basis in the first transmitting step, which refers to "a first attempt." Also, the hyphen has been removed from "random access" in the preamble of claim 8, for consistency with later references to "the random access channel."

Claim 10 has been amended to refer to "the power control command" ("composite" has been deleted). Parent claim 8 recites "a power control command" in the next to last paragraph.

Claim 11 relates to a “wireless remote station.” The body of claim 11 has been amended to consistently refer to “the wireless remote station.” The “controller” paragraph has been amended to refer to “a random access channel,” so as to provide antecedent basis for references to “the random access channel” later in 11 and in its dependent claims. The “receiving” paragraph of claim 11 also has been amended to refer to “a base station,” so as to provide antecedent for later references to “the base station.”

The changes made to address the indefiniteness rejection are intended to at least preserve the original scope of claims 6 and 8-16 and should not be viewed as narrowing. It is believed that the amended versions of claims 6 and 8-16 are definite, and the rejection thereof should be withdrawn.

The Action also included a statement of reasons for allowance. The Statement sets forth a single rationale for patentability with respect to all of the allowed claims, characterizes all of the patentable subject matter as a method and paraphrases the claim recitations for a series of steps. It should be noted that not all of the claims are method claims. Claims 11-16 relate to a station. Also, the methods of claims 1-7 are somewhat different from the methods of claims 8-10. Furthermore, the paraphrasing of a substantial number of method step claim recitations should not be construed as placing any undue significance on any one or all of the steps actually recited in the claims. The claims have been indicated allowable in the first action, without any art rejection and without any narrowing amendment. Clearly, the original scope of the claims patentably distinguished over the art. It is respectfully submitted that the allowed claims should be entitled to the broadest reasonable interpretation and to the broadest range of equivalents that are appropriate in light of the language of the claims and the supporting disclosure, without reference to the Statement of Reasons for Allowance.

. **Application No.: 10/083,687**

Claims 1-16 remain active in this application, all of which should be in condition for allowance. Accordingly, this case should now be ready to pass to issue; and Applicants respectfully request a prompt favorable reconsideration of this matter.

It is believed that this response addresses all issues raised in the December 17, 2004 Office Action. However, if any further issue should arise that may be addressed in an interview or an Examiner's amendment, it is requested that the Examiner telephone Applicants' representative at the number shown below.

To the extent necessary, if any, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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